Remarks

Claim 2 is cancelled and claims 42 to 65 are added. Claims 1, 25, 27, 28, 39 and 41 are amended. Claims 1 and 3 to 65 are pending in this application of which claims 7 to 12, 14 to 24, 31 to 36 and 38 were withdrawn. Claims 1, 3, 25, 27 and 39 are in independent form and claims 3 to 6 and 27 to 30 are allowed.

Applicants' attorney thanks Examiner Robinson for the personal interview held on June 8, 2006 and especially for his comments with respect to the draft amendment presented at the interview.

In view of the Examiner's comments, the amendment of claim 1 has been revised to define the holding unit with greater specificity. Thus, claim 1 now includes the feature and limitation of:

> "said individual tongue-shaped sections projecting from said side wall into said recess inclined at an angle with respect to said optical axis in a direction away from said surgical microscope so as to permit said tips to contact engage said outer peripheral surface of said main objective to apply said spring force thereto."

Claim 1 now recites the direction in which the tongue-shaped sections act upon the outer peripheral surface of the main objective with their respective tips as shown in FIG. 2 of the applicants' drawings. In a manner of speaking, the tongue-shaped sections "dig" into the outer peripheral surface of the main

objective with this digging-in occurring in a direction to oppose a removal of the holding device from the main objective as also shown in FIG. 2.

Claim 1 had been rejected under 35 USC 102(b) as being anticipated by Treace. The following will show that claim 1, as amended, patentably distinguishes the applicants' invention over this reference.

In the action, reference is made to column 5, lines 13 to 17, and the internal and external splinelike portions (55a, 55b) are viewed as being:

> "tongue-shaped sections for applying a spring force onto the outer peripheral surface of the main objective."

In Treace, it is indicated that the splinelike portions (55a, 55b) allow for slight changes of the frusto-conical body for accommodating various diameters of objective lens frames as noted at column 5, lines 8 to 13. This makes possible a friction-tight holding of the holding body for the cover glass on the objective lens having different diameter.

Element 55 is an annular member having a crenulated construction which includes alternating circumferentially arranged internal and external splinelike portions (55a, 55b) as shown in FIG. 5 thereof. Thus, what we have in Treace are not tongue-shaped sections having respective tips as set forth in claim 1 but only a single body having splinelike portions. This is described in Treace at column 5, lines 5 to 17, where it is noted:

> "Annular body **55** of objective ring structure **53** preferably is of crenulated construction and includes alternatingly

> circumferentially arranged internal and external splinelike portions **55***a*, **55***b* (see FIG. 5). Uniformly arranged axially extending internal and external spline portions **55***a*, **55***b* permit slight changes in the diameter of the frusto-conical body for accommodating various diameters of objective lens frames. The crenulated construction of frusto-conical body **55** affords a constricting resilient function to the annular body for frictionally securing the objective lens ring to a particular size telescope objective lens." (emphasis added)

In contrast to Treace, the applicants' invention provides for a:

> "said holding unit having a plurality of individual tongue-shaped sections having respective tips and projecting from said side wall for applying a spring force onto said outer peripheral surface of said main objective when said holding unit is mounted on said main objective in order to force-tightly hold said holding unit on said main objective;"

From the above, it can be seen that the tongue-shaped sections apply a spring force onto the outer portion of the peripheral surface of the objective in order to force-tightly hold the holding unit thereon. Because of this spring force, the diameter of the objective can be different and the tongue-shaped sections simply apply a force of different intensity but yet sufficient to force-tightly hold the holding unit on the main objective.

In contrast, Treace makes no reference or any suggestion as to tongue-shaped sections and instead discloses a crenulated annular body that includes alternating circumferentially arranged internal and external splinelike portions (55a, 55b) which are

all an integral part of the annular body 55 and coact to impart the crenulated configuration thereto. The crenulated construction of the frusto-conical body 55 of Treace affords a constricting resilient function which is very different from the tongue-shaped sections of the applicants' invention. The holding device of Treace for a drape and that of the applicants' invention are really very different solutions for the problem of reliably holding a drape in the region of the main objective of a microscope with different objective diameters.

Claim 1 now positively recites that the individual tongue-shaped sections project from the side wall into the recess at an angle inclined with respect to the optical axis and in the direction away from the surgical microscope so as to permit the tips of the tongue-shaped sections to contact engage the outer peripheral surface of the main objective and to apply the spring force thereto.

In view of the foregoing, applicants submit that claim 1 patentably distinguishes their invention over Treace and should now be allowable. Independent claims 25 and 39 are amended to also include the features and limitations added to claim 1 so these claims too should be allowable. Claim 13 is dependent from claim 1 so that this claim too should now be allowable.

Withdrawn claims 7 to 12 and 14 to 24 are all dependent directly or indirectly from claim 1 so that they too should be allowable. The same applies to withdrawn claims 31 to 36 which are dependent from claim 25 and to withdrawn claim 38 which is dependent from claim 32.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,

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